



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,940	12/29/2000	Hong Cai	JP-1999-0279US (8728-464)	9013
22150	7590	07/31/2007	EXAMINER	
F. CHAU & ASSOCIATES, LLC 130 WOODBURY ROAD WOODBURY, NY 11797			BLAIR, DOUGLAS B	
		ART UNIT	PAPER NUMBER	
		2142		
		MAIL DATE	DELIVERY MODE	
		07/31/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/750,940	CAI ET AL.	
	Examiner	Art Unit	
	Douglas B. Blair	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 July 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 10-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 10-15 and 19 is/are rejected.
- 7) Claim(s) 16-18 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Response to Amendment

1. The applicant has added claims 10-19 for examination. Claims 1-9 are cancelled.
2. The amendment filed 7/23/2007 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:
 3. The amendment to paragraph 45 states: “The service engine supports synchronized communications **through** a session manager as well as synchronized communications **through** a queue manager.” Though originally filed claim 4 stated that the “service engine may provide synchronized requests **based on** session and synchronized requests **based on** queue”. Figure 1 shows a “session manager” and “queue manager” but in the context of Figure 1, these terms are not shown to provide any requests **through** themselves. List 1 provides no additional support for this amendment. The terms “through” and “based on” clearly have different definitions thus the applicant cannot rely on claim 4 as supporting this new matter. “Through” is more specific term than “based on”.
 4. The amendment to paragraph 42 states: “The device-platform interface may provide a corresponding gateway to each device...”. Originally filed claim 6 states: “... said device-platform interface provides a corresponding gateway for each **kind of** device...”. Providing a gateway for each device and providing a gateway for each **kind of** device are clearly two different concepts, thus originally filed claim 6 does not support this amendment as alleged.
 5. Applicant is required to cancel the new matter in the reply to this Office Action.

Response to Arguments

6. Applicant's arguments filed 7/23/2007 have been fully considered but they are not persuasive.
7. The applicant's arguments that the amendments to paragraphs 42 and 45 are not persuasive for the reasons pointed out in the preceding objections. Should the applicant actually amend the specification to include subject matter supported by the originally filed claims and disclosure, such amendments will be entered.
8. The applicant's arguments are moot with respect to the 35 USC section 112 1st paragraph rejection. The new claims appear to be supported by the applicant's original disclosure.
9. With respect to the prior art rejection the applicant argues that the gateways in Lonnroth are not service wrappers that provide standard interface to a corresponding one of different types of services. The Examiner disagrees with this assessment. At col. 6, lines 19-25, Lonnroth states, "The illustrated system includes two XML gateways 232 and 234. XML gateway 232 is configured to convert between XML and a protocol used by a database system. XML gateway 234 is configured to convert between XML and http messages on the World Wide Web." Gateway 232 is a service wrapper for the database system and gateway 234 is a service wrapper for http messages on the World Wide Web. The database system and the http messages on the World Wide Web are considered two different services.

Claim Objections

Art Unit: 2142

10. Claim 10 is objected to because of the following informalities: after roman numeral (iii) the claim uses sub roman numerals (i) and (ii) when it would be clearer to use arabic numerals 1 and 2 as done with roman numeral (i) previously in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 10-15 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,826,597 to Lonnroth et al..

13. As to claim 10, Lonnroth teaches a computer server system, comprising: a pluggable service delivery system that supports access to different types of backend services (**col. 6, lines 19-38, the database system, http messages, UPS and Fedex services are all examples of backend services**) by different types of computing devices (**col. 4, lines 30-32 and col. 5, lines 12-16, the invention supports many types of clients running differing protocols**), the pluggable service delivery system comprising: a memory system to store programming instructions that are executable to implement a device abstraction layer (**The Pre-Processor and the Post-Processor**), a kernel service engine (**The XML processor**), and a service abstraction layer (**The XML gateways**); and a processing system that executes the stored programming

Art Unit: 2142

instructions to: (i) implement the device abstraction layer to (1) receive service requests from different types of computing devices (**col. 5 lines 8-9**), (2) transform the received service requests into XML requests (**col. 5, lines 32-35**) that are sent to and processed by the kernel service engine (**col. 5, lines 66-67**) and (3) transform XML documents, which are received from the kernel service engine in response to the XML requests, into device specific formats supported by the computing devices (**col. 7, lines 40-50**); (ii) implement the kernel service engine to control access to different types of services through the service abstraction layer (**col. 6, lines 19-38**) and to provide an XML interface between the device abstraction layer and the service abstraction layer (**col. 6, lines 26-30**); and to (iii) implement the service abstraction layer to (1) enable seamless access to the different types of services through invocation of backend data sources through, service wrappers wherein, each service wrapper provides a standard interface to a corresponding one of the different types of services (**col. 6, lines 19-25, see preceding Response to Arguments for explanation**) and (2) transform data accessed from backend data sources into XML formatted documents (**col. 6, lines 60-62**).

14. As to claim 11, Lonnroth teaches the computer server system of claim 10, wherein the kernel service is a synchronized service engine and an asynchronous service engine (**the XML processor can provide both types of services without changing its implementation**).

15. As to claim 12, Lonnroth teaches the computer server system of claim 10, wherein the device abstraction layer transforms an XML document to one of a plurality of different kinds of data formats supported by the computing device based on a device style sheet (**col. 7, lines 45-46**).

16. As to claim 13, Lonnroth teaches the computer server system according to claim 10, wherein the device abstraction layer provides a corresponding gateway for each of the computing devices for transforming between different communication protocols (**col. 5, lines 12-16**).

17. As to claim 14, Lonnroth teaches the computer server system according to claim 10 wherein the kernel service engine includes a profile manager to manage user, device, and service information (**col. 6, lines 30-40, considered broadly the XML processor manages all of this data**).

18. As to claim 15, Lonnroth teaches the computer server system according to claim 10, wherein the kernel service engine transfers user, device, and service information between the services and devices (**col. 6, lines 30-40**).

19. As to claim 19, Lonnroth teaches the computer server system according to claim 10, wherein the kernel service engine comprises a billing interface (**commercial services such as UPS and FedEx are interfaced**) and a platform runtime monitor (**data processing is considered run time monitoring**).

Allowable Subject Matter

20. Claims 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

21. The following is a statement of reasons for the indication of allowable subject matter: Lonnrat does not teach the claimed runtime layer, administrative layer, and development layer of claim 16. The remaining prior art of record was not found to make these features obvious

Art Unit: 2142

with respect to the teachings of Lonnrat. Claims 17 and 18 would be allowable by virtue of their dependence upon claim 16.

Conclusion

22. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B. Blair whose telephone number is (571) 272-3893. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2142

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Douglas Blair

DBB



ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER